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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,392	12/28/2001	William Quiles	062891.0581	3362
5073	7590	10/04/2005	EXAMINER	
BAKER BOTTS L.L.P.			MARCELO, MELVIN C	
2001 ROSS AVENUE			ART UNIT	
SUITE 600			PAPER NUMBER	
DALLAS, TX 75201-2980			2662	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,392

Applicant(s)

QUILES ET AL.

Examiner

Melvin Marcelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-28-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4, 12 and 20 are objected to because of the following informalities:

Claim 4, line 7, "parts" should be --ports--.

Claim 12, line 6, "intersection" should be --information--.

Claim 20, line 18, "in formation" should be one word --information--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang (US 6,873,628 B1).

Tang teaches the method and system for providing communication services, wherein a first subset of the ports of the DSLAM is controlled by a first service provider and a second subset of the ports is controlled by a second service provider (Figure 2 and column 7, line 11 to column 8, line 12, wherein the configuration data supplied by the service provider grants control of the subscriber PVCs at the particular ports to the service provider). Tang does not teach a plurality of line cards for the DSLAM. Tang does describe the remote access multiplexer (RAM) with the plurality of ports as having a plurality of line cards (Port values on a Card-Slot on a shelf on a rack in the RAM housing, column 5, line 59 to column 6, line 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a

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plurality of line cards for the ports in the DSLAM for the reason that the other equipment in Tang that provides a plurality of ports, such as the RAM, houses a plurality of line cards.

Further, Tang does not describe the type of signaling network provided by the network operation center (Network Management System 120 in Figure 1) and element manager framework server (Element Management System 125). (See column 7, lines 53-57.) It would have been obvious to provide the signaling over an in-band network since a skilled artisan would have been motivated to use the same network in order to eliminate the need to purchase and maintain a separate network. However, it also would have been obvious to provide the signaling over an out-of-band network since a skilled artisan would have been motivated to separate the signaling from the data communications in order to simplify the functions of the data communications equipment by eliminating the dual functions of carrying both control and data communications.

With respect to the incumbent local exchange carrier and competitive digital subscriber line managers, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the owner of the existing telephone lines and central office DSLAM to also own one of the service providers (i.e. incumbent owner) for the reason that an incumbent owner of the DSLAM would have been motivated to provide additional services which would have generated additional revenues. With different owners of the service providers (cooperating ISP/NSP's in Figure 2), the Network Management System would have been required to provide separate managers in order for the different service providers to control the provisioning and billing of their services to the subscribers (NMS and EMS controls the provisioning, column 7, lines 53-57).

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or make obvious the feature of controlling different subsets of ports on the same line card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Marcelo
Primary Examiner
Art Unit 2662

October 2, 2005